

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Malibu Condominium Association,)	
)	
Petitioner,)	
)	
-vs-)	Docket No. 08-0401
)	
Commonwealth Edison Company,)	
)	
Respondent.)	

STATEMENT OF AND STIPULATION TO UNDISPUTED FACTS

Petitioner, Malibu Condominium (“Malibu”) and Respondent, Commonwealth Edison Company (“ComEd”), by their respective attorneys, hereby certify and stipulate under penalty of perjury as provided by the Illinois Code of Civil Procedure that the following facts are true and correct and shall be deemed undisputed for purposes of trial of this matter:

1. Malibu, an Illinois corporation, is and at all times relevant hereto has been a residential condominium association, which is a unit owner’s association as defined by Section 2 of the Illinois Condominium Property Act.
2. Malibu received electric service under ComEd’s Rate 14 at various times prior to March 15, 1991, and from March 15, 1991, through November 22, 1999.
3. Malibu received electric service under ComEd’s Rate 6 from November 22, 1999, to November 22, 2002.
4. Malibu received electric service under ComEd’s Rate 6T from November 22, 2002, to January 2, 2007.

5. Malibu received electric supply service from Suez Energy Resources Na, Inc., an alternative retail electric supplier (“ARES”), from February 27, 2007, to July 28, 2008.
6. Malibu received electric delivery service under ComEd’s Rate RDS from February 27, 2007, to July 28, 2008.
7. Malibu attached to its Amended Formal Complaint (“Complaint”) copies of electric bills issued by ComEd to Malibu, and received, processed and paid by Malibu and/or its management company, Chicagoland Management & Realty, Inc. (“CMR”), for certain periods of time from October 25, 1991, through February 27, 2007.
8. Malibu did not attach to its Complaint the electric bills issued by ComEd to Malibu for service from October 22, 1999, to November 22, 1999; from October 25, 2001, to November 13, 2001; from July 26, 2002, to August 24, 2002; from October 23, 2002, to November 22, 2002; from January 30, 2003, to February 27, 2003; from January 30, 2004, to February 27, 2004; and from October 24, 2006, to November 22, 2006.
9. The copies of the electric bills attached to the Complaint are genuine and true copies of the electric bills issued by ComEd to Malibu for the periods therein reflected and include in certain cases alterations that alter the face of the bill (e.g. handwritten notations, stamp notations, etc).
10. Electricity services charged to customers and billed by ComEd can vary according to customer usage, demand and the terms of the rates under which a customer takes electric service from ComEd.

Now, therefore, Malibu and ComEd have executed this Statement and Stipulation knowingly, without coercion, and with the intent to be bound hereby.

Dated: September 22, 2010

Respectfully submitted,

Malibu Condominium Association:

By:



Kenneth G. Goldin, Esq.
Goldin Hill & Associates, P.C.
9100 Plainfield Road
Brookfield, Illinois 60513
Telephone: (708) 485-8300
Facsimile: (708) 485-8301
kgoldin@ghlaw.net

Respectfully submitted,

COMMONWEALTH EDISON COMPANY:

By:



Kendra N. Thompson
Ronit C. Barrett
Eimer Stahl Klevorn & Solberg LLP
224 South Michigan Avenue, Suite 1100
Chicago, Illinois 60604
312.660.7600 (telephone)
312.660.1718 (facsimile)
kthompson@eimerstahl.com
rbarrett@eimerstahl.com